

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH RAY BORDERS,
JON “DIRK” DICKERSON, and
KYLE WAYNE DICKERSON,

Defendants.

Case No. 12-00386-01/02/03-CR-W-DGK

PRELIMINARY ORDER OF FORFEITURE

Now before the Court is the United States’ motion for a preliminary order of forfeiture (Doc. 254).

The Government requests a personal money judgment against the Defendants Kenneth Ray Borders, Jon “Dirk” Dickerson, and Kyle Wayne Dickerson following the guilty verdicts against them for conspiracy to defraud. The Court will orally announce the money judgment amount at the time of sentencing, and will include the amount in the Judgment and Commitment Order.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Defendants Kenneth Ray Borders, Jon “Dirk” Dickerson, and Kyle Wayne Dickerson shall forfeit to the United States the sum of \$1,257,089.86¹ pursuant to 18 U.S.C. § 981 (a)(1)(C) and 28 U.S.C. § 2461 and Defendants shall be jointly and severally liable;

IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction

¹ The Government originally requested \$1,273,272.21, but some of the amount sought cannot be awarded in a forfeiture proceeding. Forfeiture is measured by the gain to the defendant, while restitution is measured by the victim’s loss. *United States v. Navarrete*, 667 F.3d 886, 887-88 (7th Cir. 2012). Thus, the value of the stolen trucks, trailers, and cargo are included in the forfeiture amount, but a victim’s deductible under an insurance policy, which the Government requested, is not. The Court’s calculation is attached to this order.

in the case for the purpose of enforcing this Order; and

IT IS FURTHER ORDERED that pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A), this Order of Forfeiture shall become final as to Defendants at the time of sentencing, or before sentencing if the defendants consent, and shall be made part of the sentence and included in the judgment; and

IT IS FURTHER ORDERED that pursuant to 21 U.S.C. § 853(p) and Rule 32.2(b)(3) the United States may undertake whatever discovery is necessary to identify, locate, or dispose of property subject to forfeiture, or substitute assets for such property; and

IT IS FURTHER ORDERED that the United States may, at any time, move pursuant to Rule 32.2(e) to amend this Order of Forfeiture to substitute property having a value not to exceed \$1,257,089.86 to satisfy the money judgment in whole or in part.

IT IS SO ORDERED.

Date: June 20, 2014

/s/ Greg Kays
GREG KAYS, CHIEF JUDGE
UNITED STATES DISTRICT COURT

CALCULATION OF THE MONEY JUDGMENT FORFEITURE

DESCRIPTION OF ITEM STOLEN	VALUE
2000 Freighlinter XL-Long truck, VIN 2637	\$27,000.00
1995 Trailmobile trailer, VIN 0289	\$6,000.00
2003 Utility trailer, VIN 5206	\$17,000.00
Cargo stolen from Nebraska Beef	\$149,790.96
2000 Great Dane trailer, VIN 5701	\$10,000.00
Cargo stolen from Twin Rivers Food (chicken wings)	\$59,704.00
1994 Utility trailer, VIN 4301, containing Hormel Little Sizzler sausages	\$36,087.48
Stolen cargo - Nike shoes	\$217,353.00
Stolen cargo - Mr. Coffee coffee-makers	\$48,202.00
2003 Utility trailer, VIN 9004	\$33,000.00
Cargo from above trailer, military power units	\$68,120.00
2000 Utility trailer, VIN 9901	\$8,750.00
Cargo in above trailer, chicken leg quarters	\$10,000.00
Budweiser beer in trailer VIN 9744	\$16,657.00
1994 Utility trailer, VIN 5801	\$10,000.00
Cargo in above trailer, frozen chicken	\$38,648.00
2005 Utility trailer, VIN 6918	\$30,000.00
Cargo in above trailer, frozen ribs	\$125,000.00
2001 Hyundai trailer, VIN 5040	\$10,000.00
Cargo in above trailer, frozen chicken	\$10,739.95
2006 Utility trailer, VIN 7721	\$26,217.00
2006 Great Dane trailer, VIN 6132	\$35,000.00
Cargo in above trailer, frozen chicken	\$26,000.00
1997 53 foot trailer, VIN 6708	\$12,640.00
2003 Freightliner truck, VIN 1710	\$24,766.34
2007 Utility trailer, VIN 6010	\$30,966.85
2007 Wabash trailer, VIN 7362	\$40,000.00
1996 Great Dane Thermo King reefer, VIN 4822	\$5,412.08
2000 Freightliner truck, VIN 4318	\$22,035.20
2005 Freightliner truck, VIN 5954	\$80,000.00
1998 Freightliner Classic XL, VIN 4058	\$22,000.00
TOTAL	\$1,257,089.86